IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 28TH FEBRUARY, 2007 / 9TH PHALGUNA, 1928

WA.No. 538 of 2007()

(AGAINST THE ORDER DTD.1.2.2007 IN CMP NO.54535/2002 IN OP.32265/2002)
.....

APPELLANT/PETITIONER:

C.H. ABDUL WAHEED, S/O.SRI.C.N. KUNHAMU,
SADDIQUE MANZIL, KULAPPURA NORTH P.O.,
AR NAGAR, VENGARA PANACHAYAT,
MALAPPURAM DISTRICT.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:
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1. DEPUTY TAHSILDAR (ARREAR COLLECTIONS)
TALUK OFFICE, TIRURANGADI.

2. TAHSILDAR, TIRURANGADI.

3. DISTRICT COLLECTOR, MALAPPURAM.

4. GOVERNMENT OF KERALA,
REPRESENTED BY CHIEF SSECRETARY,
THIRUVANANTHAPURAM.

BY SPL.GOVT.PLEADER (TAXES) SRI.V.V.ASHOKAN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN,Ag.C.J & M.N.KRISHNAN,J.

W.A. NO. 538 OF 2007

Dated this the 28th day of February, 2007

J U D G M E N T

Radhakrishnan, Ag.C.J.

The interim order dated 1st February,2007 passed in C.M.P.No.54535 of 2002 in O.P.No.32265 of 2002 is challenged in this appeal.

2. We have perused the counter affidavit filed by the first respondent which says that the suit filed by the petitioner's wife as O.S.No.150 of 2000 before the Sub Court, Tirur for identical reliefs was dismissed. Petitioner later approached the Government for instalment facilities. Though instalment facility was granted, the petitioner did not pay the amount. In such circumstances, we find no reason to exercise our jurisdiction in this matter. The writ appeal lacks merits and it is dismissed.

K.S.RADHAKRISHNAN,
Acting Chief Justice

M.N.KRISHNAN,
Judge

Mbs/

K.THANKAPPAN, J

Crl.Appeal NO. OF 2001

J U D G M E N T

DATED:13-02-2007